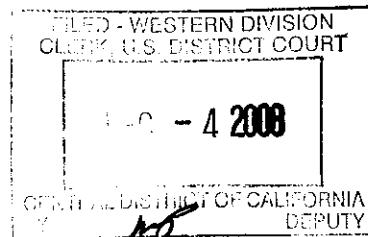


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12 (213) 452-0510 Telephone
13 (213) 452-0514 Facsimile

14 Attorneys for Defendant Veolia Transportation Services, Inc.

15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

17 SONYA WILLIAMS, individually, and
18 on behalf of other members of the general
19 public similarly situated,

20 Plaintiff,

21 vs.

22 VEOLIA TRANSPORTATION
23 SERVICES, INC., a Maryland
24 Corporation; and DOES 1 through 10,
25 inclusive,

26 Defendants.

27 CARMEN HITA, on behalf of herself,
28 and all others similarly situated and the
General Public,

29 Plaintiff,

30 vs.

31 VEOLIA TRANSPORTATION
32 SERVICES, INC., a Maryland
33 Corporation; and DOES 1 through 10,
34 inclusive,

35 Defendants.

36 Case Nos.: CV08-02582 GW(AGRx)
37 and CV08-4282 GW (AGRx)

38 **CLASS ACTION**

39 ~~PROPOSED~~ **PROTECTIVE**
40 **ORDER RE: DISCLOSURE OF**
41 **PUTATIVE CLASS MEMBERS'**
42 **IDENTITIES**

43 **Hearing on Motion for Class**
Certification:

44 Date: January 29, 2009

45 Time: 8:30 a.m.

46 Before: Honorable George H. Wu

47 Courtroom: 10

48 **Consolidated Class Action**

49 Complaint filed: September 29, 2008

1 The parties to the above-captioned action having entered into a Joint
2 Stipulation re: Disclosure of Putative Class Members' Identities dated November
3 13, 2008 ("Stipulation"), an executed copy of which is attached hereto as Exhibit A,
4 and the Court having considered the Stipulation, good cause appearing,

5 IT IS ORDERED that the Joint Stipulation re: Disclosure of Putative Class
6 Members' Identities shall be and the same is hereby approved and adopted as Order
7 of the Court.

8 **IT IS SO ORDERED.**

9
10 Dated: December 4, 2008


11 Hon. Alicia G. Rosenberg
12 Magistrate Judge of the United States
13 District Court, Central District of
14 California

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EXHIBIT A

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14 Attorneys for Defendant Veolia Transportation Services, Inc.

15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

17 SONYA WILLIAMS, individually, and
18 on behalf of other members of the general
19 public similarly situated,

20 Plaintiff,

21 vs.

22 VEOLIA TRANSPORTATION
23 SERVICES, INC., a Maryland
24 Corporation; and DOES 1 through 10,
25 inclusive,

26 Defendants.

27 CARMEN HITA, on behalf of herself,
28 and all others similarly situated and the
General Public,

Plaintiff,

vs.

VEOLIA TRANSPORTATION
SERVICES, INC., a Maryland
Corporation; and DOES 1 through 10,
inclusive,

Defendants.

Case Nos.: CV 08-02582 GW
(AGRx)
and CV 08-4282 GW (AGRx)

CLASS ACTION

**JOINT STIPULATION RE:
DISCLOSURE OF PUTATIVE
CLASS MEMBERS'
IDENTITIES**

**Hearing on Motion for Class
Certification:**

Date: January 29, 2009
Time: 8:30 a.m.
Before: Honorable George H. Wu
Courtroom: 10

Consolidated Class Action
Complaint filed: September 29,
2008

1 **THIS STIPULATION** is hereby entered into by and between Defendant
2 Veolia Transportation Services, Inc. (Veolia) and Plaintiffs Sonya Williams
3 (Williams) and Carmen Hita (Hita) (Hita and Williams are collectively referred to as
4 the "Plaintiffs") who have brought this suit on an individual basis, and on the behalf
5 of others similarly situated. (Veolia, on the one hand, and Williams and Hita, on the
6 other hand, are collectively referred to herein as the "Parties.")

7 **WHEREAS**, the Parties enter into this Stipulation to resolve, in part, a
8 discovery dispute that has arisen between them.

9 **WHEREAS**, on August 11, 2008, Williams served on Veolia, Interrogatory
10 No. 1, which seeks the identities and contact information of prospective class
11 members in this matter, as follows:

12 Identify (by stating the full name, last known address,
13 telephone number and dates of employment) each and every
14 person employed by YOU (as used herein, the terms "YOU",
15 "YOUR", OR "YOURS" means and/or refers to Defendant
16 VEOLIA TRANSPORTATION SERVICES, INC. and its
17 present and former officers, directors, managing agents,
18 employees, parent corporation, subsidiaries, and/or affiliates,
19 attorneys, investigators and all person who are acting or have
20 acted on YOUR behalf) as a non-exempt employee within the
21 State of California from 4/18/04 until present, who are not
class members or a part of: Amalgamated Transit Union Local
1309 v. ATCNancom, Inc., San Jose Div., Case No.
107CV077987 (Cal. Super. Ct., Santa Clara County, filed
January 10, 2007).

22 **WHEREAS**, on September 9, 2008, Veolia served Williams with objections
23 to Interrogatory No. 1, on the following bases:

24 • Vague and ambiguous;
25 • Compound and conjunctive;
26 • Violation of privacy rights;
27 • Relevancy and overbroad and unduly burdensome; and

1 • An inability to meet Rule 23's requirements in order to justify
2 class-wide discovery.

3 **WHEREAS**, the Parties met and conferred on October 19, 2008 and on
4 October 30, 2008, and have, in good faith, agreed to narrow the issues related to this
5 dispute and enter into this Stipulation accordingly.

6 **WHEREAS**, Plaintiffs agree to limit Interrogatory No. 1 by striking certain
7 portions of the interrogatory, as follows:

8
9 Identify (by stating the full name, last known address, [and]
10 telephone number and dates of employment) each and every
11 person employed by ~~YOU (as used herein, the terms "YOU",~~
12 ~~"YOUR", OR "YOURS" means and/or refers to Defendant~~
13 ~~VEOLIA TRANSPORTATION SERVICES, INC. and its~~
14 ~~present and former officers, directors, managing agents,~~
15 ~~employees, parent corporation, subsidiaries, and/or affiliates,~~
16 ~~attorneys, investigators and all person who are acting or have~~
17 ~~acted on YOUR behalf)~~ as a non-exempt employee within the
18 State of California from the date of four years from the filing
19 of the amended complaint until present, who are not class
20 members or a part of: Amalgamated Transit Union Local 1309
21 v. ATCNancom, Inc., San Jose Div., Case No. 107CV077987
22 (Cal. Super. Ct., Santa Clara County, filed January 10, 2007).

23 **WHEREAS**, in exchange for limiting Interrogatory No. 1 as indicated in the
24 preceding paragraph, Veolia agrees to withdraw, and hereby does withdraw, its
25 "vague and ambiguous" objections, "unduly burdensome" objection, and its
26 "compound and conjunctive" objections.

27 **WHEREAS**, with respect to Veolia's objections based upon privacy, the
28 Parties acknowledge that Veolia maintains an obligation to keep the contact
information of its past and current employees private.

29 **WHEREAS**, Veolia has agreed to turn over the full name, last known
30 address and telephone numbers of all non-exempt bus drivers who worked on the

1 Antelope Valley Transit Authority Contract for Veolia from April 18, 2004 until
2 present, subject to the following safeguards, procedures and conditions (Veolia's
3 bus drivers employed on its contract with the Antelope Valley Transit Authority
4 from April 18, 2004 until present shall be referred to as the "AVTA Bus Drivers,"
5 and the identities and contact information, as described in this paragraph, of the
6 AVTA Bus Drivers shall be referred to "AVTA Bus Driver Contact Information"):

- 7 A. Veolia shall provide the AVTA Bus Driver Contact Information to
8 Simpluris, a third-party administrator, within 7 court days after entry
9 of this Order by the Court;
- 10 B. Prior to providing said information to Simpluris, it must agree in
11 writing that it will not disclose the AVTA Bus Driver Contact
12 Information to any person, including Plaintiffs' counsel, and shall
13 otherwise keep the AVTA Bus Driver Contact Information
14 confidential, subject to disclosure to Plaintiffs' counsel, only as
15 described herein;
- 16 C. Within 3 calendar days after receipt of the AVTA Bus Diver Contact
17 Information, Simpluris shall perform a search for updated addresses
18 through a reasonable means of obtaining such addresses;
- 19 D. Within 7 calendar days after receipt of the AVTA Bus Driver Contact
20 Information, Simpluris shall send each AVTA Bus Driver a notice
21 advising them of the lawsuit and providing them with an opportunity
22 to opt-out from the disclosure of their identities and contact
23 information to Hita and Williams' counsel;
- 24 E. The form of notice is agreed upon by the Parties and attached hereto
25 as Exhibit "A" (Notice), and the form of the opt-out postcard is agreed
26 upon by the Parties and attached hereto as Exhibit "B" (Opt-out
27 Postcard).
- 28 F. AVTA Bus Drivers receiving Exhibit A may object to the disclosure

JOINT STIPULATION AND [PROPOSED] PROTECTIVE ORDER:
RE: DISCLOSURE OF PUTATIVE CLASS MEMBER INFORMATION

1 of their identities and contact information by sending an Opt-out
2 Postcard (Exhibit B), which will be marked with pre-paid postage to
3 Simpluris, within 18 days from the date on which Simpluris mails the
4 Notice to the AVTA Bus Drivers. An Opt-out Postcard shall be
5 timely if it is postmarked within 18 days from the date on which
6 Simpluris mails the Notice to the AVTA Bus Drivers;

7 G. AVTA Bus Drivers who do not send in an Opt-out Postcard
8 postmarked within 18 days of the sending of the Notice will be
9 presumed to have consented to providing their identities and contact
10 information to Plaintiffs;

11 H. After 22 days of sending out the Notice, Simpluris shall use its best
12 efforts to transmit to Plaintiffs' counsel the AVTA Bus Driver Contact
13 Information for those AVTA Bus Drivers who have not returned an
14 Opt-out Postcard that is postmarked within 18 days from the date on
15 which Simpluris mails the Notice;

16 I. Plaintiffs' counsel shall be responsible for all costs of Simpluris'
17 mailing and administration of the Notice and Opt-out Postcard; and,

18 J. Veolia will not in any way discourage the AVTA Bus Drivers, from
19 communicating with the attorneys for Williams or Hita.

20 K. Plaintiffs' counsel agrees to safely maintain any private information
21 that it receives from Simpluris and to use it solely for the purpose of
22 investigating the claims alleged in the Consolidated Complaint, by its
23 attorneys, investigators or experts. Plaintiffs' counsel also agrees not
24 to disclose any AVTA Bus Driver Contact Information to any
25 individual plaintiff or putative class member, and not to contact
26 putative class members while they are at work.

27 **WHEREAS**, because it is the Parties' intent to limit the scope of a discovery
28 dispute related to Interrogatory No. 1, this Stipulation shall not be construed as an

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PAGE 02/02

1 admission or concession that this matter is certifiable as a class action in any
2 manner or that any claim alleged in this matter has any merit. Additionally, this
3 Stipulation is not intended to fully resolve all disputes concerning Interrogatory No.
4 1, and the Parties enter into this Stipulation without prejudice to file or oppose a
5 motion to compel and without prejudice to any objections that Veolia has raised to
6 the disclosure of contact information for any putative class members outside of the
7 scope of this stipulation.

8 **WHEREAS**, this Stipulation may be amended without leave of Court by the
9 written agreement of counsel for the Parties to this agreement and any pertinent
10 third parties in the form of an amended stipulation.

11 IT IS SO STIPULATED.
12

13 Dated: November 13, 2008

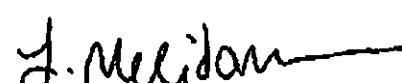
INITIATIVE LEGAL GROUP, LLP

14
15 By: 
16 Matthew Theriault
17 Dina Livhits
18 Attorneys for Plaintiff Sonya
Williams

19 Dated: November 13, 2008

KABATECK BROWN KELLNER
20 LLP

21 Brian S. Kabateck
22 Richard L. Kellner
23 Joshua H. Hafner
24 Lina B. Melidonian

25 By: 
26 Lina B. Melidonian
27 Attorneys for Plaintiff Carmen Hita
28

1 Dated: November 14, 2008

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GLEASON & FAVAROTE LLP

By: 

Paul M. Gleason
Torey J. Favarote
Richard Y. Chen
Attorneys for Veolia
Transportation Services, Inc.

EXHIBIT A

Sonya Williams and Carmen Hita v. Veolia Transportation Services, Inc
UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CASE NOS. CV 08-02582 GW (AGR) and CV 08-4282 GW (AGR)

NOTICE OF REQUEST FOR PRIVATE CONTACT INFORMATION

John Doe
1234 Anywhere St., Apt. 1234
Los Angeles, CA 12345

A lawsuit has been filed seeking alleged: (1) wages not paid upon termination; (2) failure to pay wages; (3) denial of meal periods; (4) denial of rest periods; (5) improper wage statements; (6) failure to pay minimum wages; (7) failure to pay overtime wages, and (8) violation of the California Business & Professions Code §17200 *et seq.* on behalf of current and former hourly employees of Veolia Transportation Services, Inc (the "Defendant") in California. The former employees bringing the case (the "Plaintiffs") are seeking to contact potential class members in order to gather information about the case. **If you do not return the enclosed postcard, your private contact information will be provided to the Plaintiffs' attorneys.**

IF YOU DO NOT WANT YOUR CONTACT INFORMATION PROVIDED TO THE PLAINTIFFS' ATTORNEYS, YOU MUST SIGN AND POSTMARK THE ENCLOSED POSTCARD ON OR BEFORE _____ (WHICH IS 18 DAYS FROM THE DATE OF MAILING OF THIS NOTICE).

Whether or not you return the enclosed postcard will not affect your rights. Whether or not you choose to return the enclosed postcard will not affect your employment with Defendant in any way.

If you have questions about this notice, you may seek independent legal counsel, or you may contact any of the following attorneys representing the parties:

Plaintiffs' Attorneys

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Defendant's Attorneys

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Attorneys for Plaintiff CARMEN HITA

EXHIBIT B

Sonya Williams and Carmen Hita v. Veolia Transportation Services, Inc
UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CASE NOS. CV 08-02582 GW (AGRx) and CV 08-4282 GW (AGRx)

**IF YOU DO NOT WANT YOUR NAME, HOME ADDRESS AND TELEPHONE NUMBER
DISCLOSED TO THE PLAINTIFF'S ATTORNEYS, THIS POSTCARD MUST BE
SIGNED AND RETURNED ON OR BEFORE [DATE ____], 2008.**

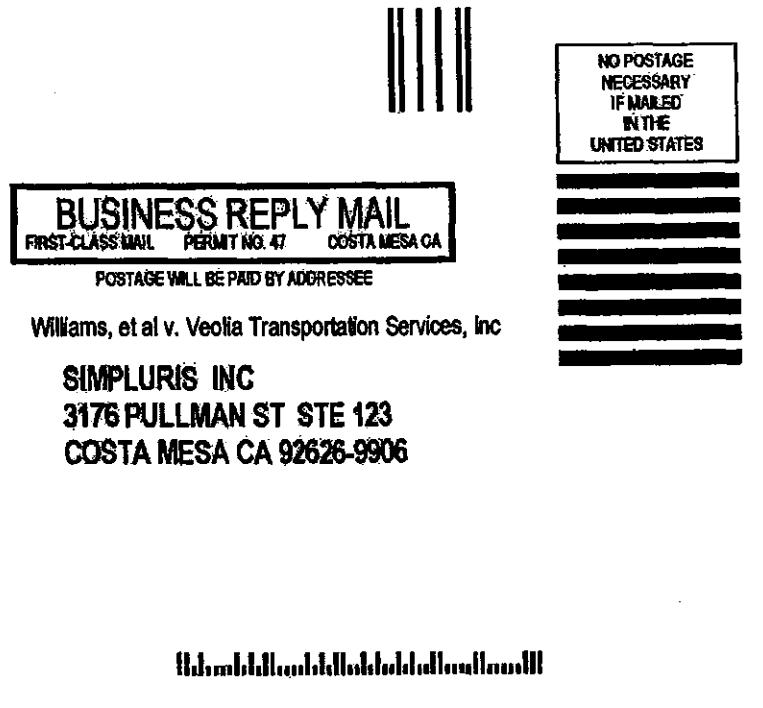
By signing below, I certify under penalty of perjury that I wish to preserve my right to privacy and
DO NOT want my name, home address and home telephone number disclosed to the Plaintiff's attorneys.

SIGNATURE _____ DATE _____

TO BE EFFECTIVE, PLEASE RETURN THIS POSTCARD TO:
Sonya Williams and Carmen Hita v. Veolia Transportation Services, Inc
NOTICE ADMINISTRATOR,
C/O SIMPLURIS, INC.
3176 PULLMAN ST STE 123
COSTA MESA, CA 92626-9906

POSTMARKED ON OR BEFORE [DATE ____], 2008

[FRONT AND BACK VIEWS OF MODEL OPT-OUT POSTCARD]



PROOF OF SERVICE

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA }
SS:

I am employed in the County of Los Angeles. I declare that I am over the age of eighteen (18) and not a party to this action. My business address is: Initiative Legal Group LLP, 1800 Century Park East, 2nd Floor, Los Angeles, California 90067.

On December 4, 2008, I served the within document(s) described below as:

**[PROPOSED] PROTECTIVE ORDER RE: DISCLOSURE OF PUTATIVE
CLASS MEMBER'S IDENTITIES**

on the interested parties in this action by placing true copies thereon enclosed in a sealed envelope addressed as follows:

PLEASE SEE ATTACHED SERVICE LIST

CM/ECF SYSTEM: I caused the above-referenced documents(s) to be sent by electronic transmittal to the Clerk's Office using the CM/ECF System for filing which generated a Notice of Electronic Filing to the CM/ECF registrants in the case.

MAIL: I deposited such envelope in the mail at Los Angeles, California. The envelopes were mailed with postage thereon fully prepaid.

OVERNIGHT COURIER: I caused the above-referenced document(s) to be delivered to an overnight courier service (Federal Express), for delivery to the above addressee(s).

FACSIMILE: I caused the above-referenced document(s) to be transmitted to the above-named person at the telephone numbers above.

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED this document on December 4, 2008, at Los Angeles, California.

Matthew Krout
Matthew Krout

1 **SERVICE LIST**
2 **Case No: CV08-02582 GW (AGR_x)**
3 **Case No.:CV08-4282 GW (AGR_x)**

4 **Paul M. Gleason**
5 **Torey J. Favarote**
6 **Richard Y. Chen**
7 **Janet S. Yavrouian**
8 **GLEASON & FAVAROTE LLP**
9 **800 West Sixth Street, Suite 1010**
10 **Los Angeles, CA 90017**
11 **Attorneys for Defendant**
12 **Veolia Transportation Services, Inc.**
13 ***Via CM/ECF & U.S. Mail***

14
15 **David M. Arbogast**
16 **Jeffrey K. Berns**
17 **Dayna C. Carter**
18 **ARBOGAST & BERNS LLP**
19 **19510 Ventura Blvd**
20 **Suite 200**
21 **Tarzana, CA 91356**
22 **Counsel for Plaintiff**
23 **Carmen Hita**
24 ***Via CM/ECF & U.S. Mail***

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26 **Brian S. Kabateck**
27 **Richard L. Kellner**
28 **Josh H. Haffner**
29 **KABATECK BROWN KELLNER LLP**
30 **644 South Figueroa St.**
31 **Los Angeles, CA 90017**
32 **Co-Counsel for Plaintiff**
33 **Carmen Hita**
34 ***Via U.S. Mail Only***